



TESTIMONY OF CHRISTOPHER P. HANKINS

CEA LEGAL COUNSEL

IN REFERENCE TO SENATE BILL NO. 1139

AN ACT CONCERNING STRATEGIC PLANNING IN STATE EDUCATION POLICY AND
ASSAULTS ON TEACHERS

EDUCATION COMMITTEE

FRIDAY, MARCH 11, 2011

**Connecticut Education
Association**

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Executive Office

Dr. John Yrchik
Executive Director

Legal Services

Ronald Cordilico, Legal Counsel
Christopher P. Hankins, Legal Counsel
Capitol Place, Suite 500
21 Oak Street
Hartford, CT 06106-8001
860-525-5641, 800-842-4316
Fax: 860-525-8818
www.cea.org

Affiliated with the
National Education
Association

Good afternoon members of the Education Committee. I thank you for this opportunity to testify in reference to Senate Bill 1139 and in particular to proposed Subsection (c) of 10-236a of the General Statutes (lines 56 to 67).

This proposed legislation is straightforward. It allows a teacher or other school employee that has been assaulted two different ways to enforce their statutory right to full salary while disabled from work because of an assault that occurred during work.

The first way already exists. And that is the school employee that has been injured in an assault can file a lawsuit in superior court if the school district declines to pay the amount claimed under Section 10-236a, which is basically the difference between full pay and what that person receives as workers' compensation benefits as a result of the assault.

What is being proposed is that a second avenue be available to a school employee who has been assaulted to enforce their statutory right to receive a full salary while disabled from the effects of the assault. This second way is that, instead of filing a lawsuit in superior court, the injured individual could pursue their Section 10-236a claim with the workers' compensation district in which their injury occurred.

As it stands now, the workers' compensation system does not have jurisdiction over the incremental difference between an assaulted school employee's full salary and what the person secures under workers' compensation. Providing the assaulted employee with the additional choice of the workers' compensation forum would promote both judicial and administrative economy. There are two main reasons for this:

1. Because the assaulted school employee can file a claim in the workers' compensation forum, fewer lawsuits would be filed in superior court. The injured employee would not have to expend funds on court costs (writ entry fees and marshal fees) to bring the action or have to wait until trial for a one-time final determination on the Section 10-236a claim.
2. All other things remaining equal, the workers' compensation forum is quicker than a lawsuit filed in superior court. This is particularly so since the workers' compensation component of the assault injury is already in the workers' compensation district. Since the workers' compensation system already addresses an injured person's inability to work, there would be a lessening of a duplication of effort if two separate forums were used.

The language in this proposed legislation is patterned after the language in Section 31-290a, the statute dealing with discrimination or discharge for a person enforcing their rights under workers' compensation. There, the injured employee has a choice of filing a claim in either superior court or in the workers' compensation forum.

Thank you for your consideration of our proposal.